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SUBJECT: GEORGIA: MESKHETIANS -- WHAT THEIR RETURN MEANS

Classified By: Ambassador John F. Tefft for reasons 1.4 (b) and (d).

11. (SBU) Summary and Comment: As part of its obligations to the Council of Europe, Georgia committed to establishing a legal way to repatriate Meskhetians, the former Muslim inhabitants of southern Georgia who were deported to Central Asia by Stalin. Georgia did that, and according to the timelines in Georgian legislation, Meskhetian applications to return have to be submitted by July 1, 2009, and repatriation completed by 2011. More than 12,000 applications have been filed, primarily by a Moscow-based organization representing Meskhetian interests. However, because the Samtskhe-Javakheti region, the traditional home to Meskhetians, is a region primarily inhabited by ethnic Armenians, the GoG has proceeded cautiously, fearing a large-scale return of Meskhetians could destabilize the ethnic balance in the region. Russia has criticized Georgia for moving slowly, most recently on May 5 in the COE. UNHCR contacts say the applications contain serious problems, presenting the Georgians with a delicate dilemma: accept them, self-inflicting an administrative nightmare, or send the applications back, garnering bad publicity. Ostensibly, it presents the Russians ample opportunity to embarrass the Georgians before the COE. Georgia finds itself in the awkward position of trying to honor commitments made to Europe and moving forward, but dealing with old hostilities at the same time. End Summary and Comment.

Who are the Meskhetians?

12. (SBU) Meskhetians, former Muslim inhabitants of Samtskhe-Javakheti (southern Georgia), were deported by Stalin in 1944 to Central Asia. In 1999, when acceding to the Council of Europe (COE), the Georgian Government agreed to adopt a legal framework for Meskhetian return and did so in 2007. Under current legislation, the receipt of returnees' applications is to be completed by June 1, 2009, and the repatriation process is to be finished by 2011. The Samtskhe-Javakheti region, the traditional home to Meskhetians, is a region primarily inhabited by ethnic Armenians. As such, the GoG has proceeded cautiously, fearing that a large-scale return of Meskhetians could destabilize the ethnic balance in the region. Vatan, a Moscow-based organization representing the interests of Meskhetians, has been active in promoting and soliciting repatriation documents of Meskhetians. It is unknown how many Meskhetians in Russia really wish to return, and how much Vatan is using the repatriation process to bring publicity to their cause. Anecdotal information indicates that some 12,000 applications, many under Vatan auspices, have been filed with the Georgian Interest Section of the Swiss Embassy in Moscow. On May 5, the Russian delegation to the COE in Brussels alleged that Georgia is not meeting its obligation for Meskhetian returns.

Meskhetians -- The History

13. (U) UNHCR describes Meskhetians as the former Muslim

inhabitants of Meskheta in the Samtskhe-Javakheti region of Georgia, an area along the border with Turkey. The group includes those from other ethnic backgrounds such as Ahiska Turks and Terekeme (both of Turkish extraction), Hemshins (Islamized Armenians), and Batumi Kurds. According to research conducted by the European Center for Minority Issues, currently Meskhetaians are scattered in nine different countries, most residing in Kazakhstan, Azerbaijan, and Russia. In 1999, when it joined the Council of Europe, Georgia committed to adopting a legal framework to repatriate and integrate deported Meskhetaians. In January 2005, the Council of Europe further encouraged Georgia to honor its commitment by creating necessary conditions "without any further delay" for the start of the repatriation process with a view to its completion by 2011.

#### The Law and Its Shortcomings

14. (U) In 2005, the Government of Georgia established a commission to study the issue and to elaborate a work plan. The law was adopted in July 2007, and the Ministry for Refugees and Accommodation became the responsible institution for the process. The present law does not provide automatic permission to each formerly deported Meskhetaian and his direct descendants to repatriate, but offers a legal framework to register and process applications for consideration. UNHCR lists the major short-comings in the 2007 law as:

-- Short time of registration: The original 2007 law only envisioned 12 months for persons to submit applications. Due to the small quantity of applications received, this was

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extended by an additional year until July 1, 2009. Another prolongation of the registration is now being considered but would delay implementation of the law.

-- Proof of Exile: Bierwirth said this criterion can only be met by very few, as most of the persons concerned have either never received a deportation order or no longer possess such a document. According to Irakli Kokaia, Head of Refugees and Repatriation Division, Ministry of Refugees and Accommodation, this issue is not insurmountable and MRA understands the complexity of the issue. Kokaia said MRA has been able to assist applicants with this hurdle before and it solely will not block repatriation. What is important is to fill out the applications correctly, attaching all requested additional documents (i.e., birth certificates, marriage certificates, etc.)

-- Possible statelessness of a person holding status of a repatriate: If a person returns, he/she must give up current citizenship and wait for Georgian citizenship approval, which may in fact leave him/her stateless until a decision is made for a period of six months or more.

-- The scope of the law: Only former deportees and their descendants who possess the citizenship or the status of permanent residence of their host country may apply for repatriation under this law. This excludes all stateless persons without a residency permit, to include Meskhetaians in Krasnodar Krai in Russia.

-- Lack of legal remedies: The law does not foresee an appeal.

-- Lack of repatriation assistance: The Government of Georgia does not bear the responsibility to allocate funds for reintegration processes, including housing, allocation of land, etc.

15. (SBU) UNHCR and other international organizations raised concerns over the vagueness of the procedures leading to the granting of Georgian citizenship. They also emphasized that

the simplified naturalization procedures should be designed to prevent interim statelessness and to avoid requiring applicants to renounce their existing citizenship before being able to apply for Georgian citizenship. As of March 2009, no changes have been made in the law.

#### Georgian Political Ramifications

¶6. (SBU) Strong commitment by some parliamentarians and human rights actors to improve the process to establish an acceptable repatriation regime has met with reservations from the security-related ministries, who are concerned that a significant influx of a Muslim minority to Georgia may aggravate local security challenges. This is particularly true in Samtskhe-Javakheti, where 90 percent of the residents are ethnic Armenians. Armenian-backed political parties active in Samtskhe-Javakheti point out that Meskhetian returns would upset the ethnic balance in the region, and fear that the returnees could lodge potential "lost property" claims. The return of Meskhetians is used by some in the radical opposition to "reveal the betrayal of Georgian values" by the current "cosmopolitan" leadership. For mainstream Orthodox Georgian society, the repatriation of Meskhetians also remains controversial. Although the need for historic justice is generally understood and appreciated, not all segments of the population welcome returnees who have lost their ties to the Georgian culture, traditions and way of life.

#### Russian Political Interest

¶7. (SBU) According to UNHCR, the Georgian Government has received 12,000 individual applications from the Russian Federation, predominantly from the Krasnodar Kray region. The applications were to be completed in English or Georgian, but most of the applications, filled out in Russian, are sitting in the Georgian Interests Section of the Swiss Embassy in Moscow. According to MRA, about 6,000 of the documents are filled with errors and missing additional addendum documents. GoG representatives are pondering next steps. Kokaia spoke with Zurab Barbakhadze, at Vatan's Head Office in Moscow more than six months ago underlining the need to send additional documents to support the applications. To date, nothing more has been received by MRA. According to Christoph Bierwirth, UNHCR, the International Office of Migration (IOM) offered to conduct training with the Vatan representatives on how to fill out the forms correctly, but competing factions within Vatan refused. Bierwirth noted that Vatan was heavily involved in

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identifying the possible candidates and the collection of applications. He questioned to what extent the applications reflect the genuine interest of the applicants to return. One of the goals of Vatan is to raise the profile of Meskhetians and their return, and the sheer number of applications could be their attempt to do just this. Bierwirth's analysis is the Russian objections are merely intended to make Georgia look bad before the Council of Europe, taking advantage of this difficult situation. The High Commissioner for Human Rights will be in Strasbourg on June 9 to discuss the next step in the return process for Meskhetians and UNHCR will participate along with other stakeholders.

#### Comment

¶8. (C) The region of Samtskhe-Javakheti has long been an area of concern for the GoG, as it attempts to integrate non-Georgian speaking ethnic Armenians into the fabric of Georgian society. Given the history of the region, it is not surprising that ethnic-Armenian Georgian citizens would be opposed to large scale Meskhetian returns. It is not surprising either that Russia could see this as a way to not only destabilize Georgia by playing up CoE commitments, but also rid itself of a population that sometimes poses

difficulties for the Russian government. Russian influence has historically dominated the S-J region, culturally and politically, (many residents go to Russian speaking schools or have worked in Russia to send money home), however, this influence has decreased with the closure of the Russian base in Akhalkalaki several years ago. Residents fear Georgian NATO entry would mean Turkish troops would be assigned to Georgian soil, and Meskhetian returns play directly on this fear.

TEFFT